

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
ST. JOSEPH DIVISION**

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
vs.)	Case No. 20-06007-01/03-CR-SJ-DGK
)	
JOSHUA HOWLAND and RYAN N. MONTGOMERY,)	
)	
Defendant.)	

**MEMORANDUM OF MATTERS DISCUSSED AND
ACTION TAKEN AT PRETRIAL CONFERENCE**

PENDING CHARGES: On March 17, 2021, the Grand Jury returned a two-count superseding indictment charging Defendants Joshua Howland (1) and Ryan N. Montgomery (3) with conspiracy to advertise child pornography in violation of 18 U.S.C. § 2251(d) and (e), and conspiracy to distribute and receive child pornography in violation of 18 U.S.C. § 2252A(a)(2) and (b)(1). Doc. 77.

The following matters were discussed, and action taken during the pretrial conference:

TRIAL COUNSEL:

Government: Alison Dawn Dunning, David Luna, and Kyle Patrick Reynolds (DOJ)
Case Agent: Special Agent David Backlund
Paralegal: Sara Boutte

Defendant Howland: Preston Lee Jones¹
Paralegal: Stacy Rubalcaba

Defendant Montgomery: Michael Robert Bartish and Casey Meek (local counsel)

OUTSTANDING MOTIONS: No outstanding motions. However, Government counsel did notify the court of their intention to file several motions in limine.

¹ Counsel for Defendant Howland announced the parties had finalized a plea agreement and would be seeking a change of plea hearing date. The Court notified Defendant Howland and counsel that should the change of plea hearing not occur for any reason, this matter remains set for trial on the October 30, 2023, trial docket. Thus, information related to Defendant Howland is included within this memorandum at this time.

TRIAL WITNESSES:

Government: Approximately 8-9 witnesses (7-8 with stipulations) if only Defendant Montgomery proceeds to trial; 13 if both Defendants proceed to trial

Defendant Howland: Approximately 3-4 witnesses

Defendant Montgomery: Approximately 3-4 witnesses

TRIAL EXHIBITS:

Government: Approximately 200-250 exhibits.

Defendant Howland: Approximately 20-30 exhibits.

Defendant Montgomery: 20-30 exhibits.

DEFENSES: General denial.

POSSIBLE DISPOSITION- DEFENDANT HOWLAND

(☐) Definitely for trial; (☐) Possibly for trial; (☒) Likely a plea will be worked out

POSSIBLE DISPOSITION- DEFENDANT MONTGOMERY:

(☒) Definitely for trial; (☐) Possibly for trial; (☐) Likely a plea will be worked out

TRIAL TIME: 5 days total if both defendants proceed to trial. 3-4 days for voir dire and Plaintiff's case-in-chief; one half day for Defendant Howland's case-in-chief; and one half day for Defendant Montgomery's case-in-chief.

STIPULATIONS: No stipulations have been filed. However, three proposed stipulations have been set forth by Government counsel regarding: (1) venue, (2) jurisdiction, and (3) that the children depicted in certain images were indeed minors. These proposed stipulations are awaiting review and response from defense counsel.

UNUSUAL QUESTIONS OF LAW: The Government notes that they may request more than the normal number of potential jurors due to the nature of the case. The government also alerted the court that there is a practical issue regarding publishing exhibits containing explicit material, specifically child pornography, to the jury and the government will propose some methods of publishing exhibits that were recently used in a related case.

FILING DEADLINES:

Witness and Exhibit Lists: Due on or before October 16, 2023.

PLEASE NOTE: Counsel are requested to list witnesses in alphabetical order on their witness list.

Stipulations: Due on or before October 16, 2023.

Motion in Limine: Due on or before October 16, 2023.

Exhibit Index, if required by the District Court, Voir Dire, Jury Instructions: Due on or before October 23, 2023.

PLEASE NOTE: Jury instructions must comply with Local Rule 51.1.

TRIAL SETTING: Joint Criminal Jury Trial Docket scheduled to commence October 30, 2023.

PLEASE NOTE: The Government requests for trial in this matter to be set on the first week of the trial docket because an FBI witness is unavailable during the second week of the trial docket. Defense counsel for Defendant Montgomery also prefers the first week of the trial docket.

IT IS SO ORDERED.

DATE: October 3, 2023

/s/ W. Brian Gaddy
W. BRIAN GADDY
UNITED STATES MAGISTRATE JUDGE